

BEFORE THE TENNESSEE REGULATORY AUTHORITY AT

NASHVILLE, TENNESSEE

January 2, 2002

IN RE:

**PETITION OF AT&T COMMUNICATIONS OF THE
SOUTH CENTRAL STATES, INC., THE
COMPETITIVE TELECOMMUNICATIONS
ASSOCIATION AND TCG MIDSOUTH INC. FOR
STRUCTURAL SEPARATION OF BELL SOUTH
TELECOMMUNICATIONS, INC.**

**DOCKET NO.
01-00405**

ORDER APPOINTING PRE-HEARING OFFICER


This matter came before the Tennessee Regulatory Authority (the "Authority" or "TRA") at a regularly scheduled Authority Conference held on July 10, 2001, to determine the manner in which the docket should proceed in light of the filings of the parties.

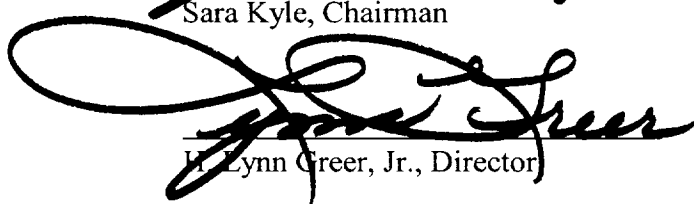
On May 2, 2001, AT&T Communications of the South Central States, Inc., the Competitive Telecommunications Association ("AT&T"), and TCG MidSouth, Inc. (collectively the "Petitioners") filed a Petition for Structural Separation of BellSouth Telecommunications, Inc. ("BellSouth"). The Petitioners request the Authority to convene a contested case for the purpose of investigating and ordering the structural separation of BellSouth into distinct retail and wholesale units. On June 11, 2001, BellSouth filed a Motion to Deny AT&T's Request to Convene a Contested Case and Dismiss the Petition. BellSouth's Motion is based, in part, on its assertions that the TRA is not permitted by state or federal law to grant the relief sought by the Petitioners.

During the July 10, 2001 Authority Conference, the Directors discussed the relationship between the issues raised in the Petition for Structural Separation and those issues before the Authority in BellSouth's filing for Section 271 approval in TRA Docket No. 97-00309 and in other dockets addressing the status of competition in the local telecommunications market. The Directors did not vote on the issue of whether to convene a contested case. Instead, a majority of the Directors voted to appoint Director H. Lynn Greer, Jr. to serve as the Pre-Hearing Officer to determine how the case should progress, including whether a contested case should be convened.

IT IS THEREFORE ORDERED THAT:

Director H. Lynn Greer, Jr. is appointed Pre-Hearing Officer for the purpose of determining the manner in which this case should travel, including whether a contested case should be convened.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director

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Melvin J. Malone, Director¹

ATTEST:


K. David Waddell, Executive Secretary

¹ Given that the issues presented herein are "part and parcel" with the issues pending in the Section 271 case, Director Malone urged his colleagues to consider judicial economy in appointing a Pre-Hearing Officer. In his opinion, judicial efficiency warranted, absent a sufficient substantive reason to the contrary, the appointment of the sitting Hearing Officer in the pending Section 271 proceeding. Such an appointment would have been consistent with the agency's previous practice in other related cases. Director Malone's approach failed.